THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12472 OF 2007

DATED 25TH JUNE, 2007

Between

Syed Azeemunnisa Begum

... Petitioner

AND

The District Collector, Nellore, Nellore District and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12472 OF 2007

ORDER:

The petitioner herein is allegedly cultivating the land admeasuring Acs.4.29 cents in survey No.553 situated at Kodurupadu village of Nellore Mandal in Nellore District. She also alleges that Tahsildar granted patta by proceedings, dated 27.08.1983. Some time in April, 2000, the Inspector of Police, Nellore, sought a report from the Revenue Divisional Officer, Nellore, second respondent herein. The latter sent a report on 11.04.2000 stating that the land in survey No.553 is classified as Thopu Poramboke in village account, that the same is not assigned to anybody and that the petitioner herein filed O.S.No.604 of 1990 claiming right over the land on the strength of a fake D-Form patta. It was also informed that suit was dismissed on 29.07.1998, and that the petitioner herein has no right over the land. Challenging the letter, dated 11.04.2000, petitioner filed W.P.No.8390 of 2000. This Court disposed of the writ petition on 28.01.2002 giving liberty to the petitioner to approach the Mandal Revenue Officer and produce the copy of Judgment of the appellate Court in Appeal Suit filed against O.S.No.604 of 1990. This Court also observed that if the petitioner is served with any adverse order by the Mandal Revenue Officer, she may initiate appropriate action before appellate authority under relevant Board Standing Orders. After disposal of the said writ

petition, it appears that the Court of I Additional District Judge, Nellore, allowed A.S.No.56 of 1998 filed by the petitioner granting a decree of injunction against Mohammad Yusuf and Muchakayala Venkata Subbaiah @ Jonnada Venkata Subbaiah. The petitioner alleges that she informed about the same to Mandal Revenue Officer but no action was taken. But, the Mandal Revenue Officer issued letter, dated 19.12.2006 to the fourth respondent informing that the land in survey No.553 is Thopu Poramboke and that one Sarvepalli Ramanamma, wife of Venkateswarlu, encroached land to an extent of Acs.2.24 and cultivating the same with sivai jamadar rights. It was also informed that the remaining land vests with the Government. Aggrieved by such communication, the petitioner filed the instant writ petition seeking a declaration that action of the third respondent in addressing the fourth respondent by letter, dated 19.12.2006 is illegal and arbitrary and set aside the same and direct the respondents not to interfere with the petitioner's possession.

Learned counsel for petitioner made lengthy submissions. However, this Court is not at all impressed with the submission that the dispute raised in the writ petition comes within the scope of public law. In the suit filed by the petitioner or other suits, the revenue officials were not parties and the suits were filed against private parties. Therefore, even if her appeal being A.S.No.56 of 1998 is allowed against M/s.Mohammad Yusuf and Venkata Subbaiah, the same does not preclude the Mandal Revenue Officer from verifying the ground position.

A perusal of the impugned letter would show that after receiving communication, dated 15.07.2006 from the fourth respondent, the third respondent got a report from the Mandal Revenue Inspector, Nellore, who submitted a report to the effect that Smt.Sarvepalli Ramanamma is in occupation of Acs.2.24 as sivai jamadar. If the petitioner is aggrieved by the position reported by the Mandal Revenue Inspector, which is reflected in the impugned letter, her remedy is to approach the Mandal Revenue Officer again. The writ petition is not a proper remedy. Secondly, whether the petitioner is in possession or Ramanamma is in possession is the matter which is disputed by petitioner as well as the revenue officials and therefore, it can be resolved by the revenue officials. The writ petition is inappropriate remedy.

In view of this, the writ petition is dismissed giving liberty to the petitioner to approach the Mandal Revenue Officer concerned. No costs.

(V.V.S.RAO,J)

25.06.2007.
pln